

SENATE BILL NO. 449

BY SENATOR MARTINY

1 AN ACT

2 To amend and reenact R.S. 6:284.1(B) and 336, relative to state banks; to provide for  
3 compliance review; to provide for privilege of results of the compliance review; to  
4 provide for evidence in court or administrative proceedings; and to provide for  
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 6:284.1(B) and 336 are hereby amended and reenacted to read as  
8 follows:

9 §284.1. Compliance review committees; privilege created

10 \* \* \*

11 B. Notwithstanding any other provision of law to the contrary, the results of  
12 any such self-evaluation, self-assessment, self-testing, or self-correction, and any  
13 notes, reports, or work product derived therefrom, whether prepared by internal  
14 personnel or outside attorneys, accountants, **third-party service providers**, or  
15 consultants, shall be deemed privileged for all purposes and shall not be subject to  
16 discovery **and shall not be admissible as evidence, unless specifically agreed to**  
17 **by the FDIC-insured financial institution, holding company, subsidiary, or**  
18 **affiliate**, in any private, **public, or administrative** civil action brought against the  
19 **FDIC-insured financial institution, its holding company, subsidiaries, or**  
20 **affiliates** bank alleging noncompliance with or violation of applicable state and  
21 federal banking laws and regulations.

22 \* \* \*

23 §336. Legal and regulatory compliance; self-evaluations; privilege of results

24 **A.** It is the intent of the legislature to encourage banks and other financial

1 ~~institutions~~ **FDIC-insured financial institutions, their holding companies,**  
2 **subsidiaries, and affiliates** to engage in self-evaluations, self-assessments, self-  
3 testing, and self-corrections with respect to compliance with applicable state and  
4 federal banking laws and regulations. To that end, and notwithstanding any other  
5 law to the contrary, the results of any such self-determination, self-assessment, self-  
6 testing, or self-corrections, and any notes, reports, or work product derived  
7 therefrom, whether prepared by internal personnel or by outside attorneys,  
8 accountants, **third-party service providers**, or consultants, shall be deemed  
9 privileged for all purposes and shall not be subject to discovery **and shall not be**  
10 **admissible as evidence, unless specifically agreed to by the FDIC-insured**  
11 **financial institution, its holding company, subsidiary, or affiliate**, in any private,  
12 **public, or administrative** civil action brought against the ~~bank or other financial~~  
13 ~~institution~~ **FDIC- insured financial institution, holding company, subsidiaries,**  
14 **or affiliates** alleging noncompliance with or violation of such applicable state and  
15 federal banking laws and regulations.

16 **B.(1) The submission by any FDIC-insured financial institution of any**  
17 **information to any federal banking agency or bureau, including but not limited**  
18 **to the Consumer Financial Protection Bureau, or to the commissioner of the**  
19 **office of financial institutions, or to any other state agency or department, for**  
20 **any purpose in the course of any supervisory, regulatory, or enforcement**  
21 **process of such agency, bureau, commissioner, or state agency or department,**  
22 **shall not be construed as waiving, destroying, or otherwise affecting any**  
23 **privilege the FDIC-insured financial institution may claim with respect to such**  
24 **information under federal or state law as to any person or entity other than**  
25 **such agency, bureau, commissioner, or state agency or department.**

26 **(2) The provisions of Paragraph (1) of this Subsection shall not be**  
27 **construed as implying or establishing either of the following:**

28 **(a) That any FDIC-insured financial institution waives any privilege**  
29 **applicable to information that is submitted or transferred under any**  
30 **circumstances to which Paragraph (1) of this Subsection does not apply.**

1                   **(b) That any FDIC-insured financial institution would waive any**  
2                   **privilege applicable to any information by submitting the information to any**  
3                   **federal banking agency or bureau or the commissioner of the office of financial**  
4                   **institution, but for the provisions of this Section.**

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_